

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUSTAVO BERMUDEZ,

Plaintiff,
-against- 07 Civ. 9537 (HB)

CITY OF NEW YORK POLICE DEPARTMENT AND
THE UNITED STATES DRUG ENFORCEMENT
ADMINISTRATION,

Defendant.

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David Hazan, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant New York City Police Department. As such, I am familiar with the facts set forth below.

2. This declaration is submitted in support of defendant New York City Police Department's motion to dismiss plaintiff's complaint, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

3. A copy of plaintiff's Complaint, dated October 24, 2007, is annexed hereto as Exhibit "A."

4. A copy of defendant New York City Police Department's Answer to plaintiff's Complaint, dated January 22, 2008, is annexed hereto as Exhibit "B."

5. A copy of defendant New York City Police Department's "safe harbor" letter to plaintiff's counsel, dated February 7, 2008, is annexed hereto as Exhibit "C."

Dated: New York, New York
February 19, 2008

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